

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 3150

IN THE MATTER OF:

Served April 13, 1988

Application of GREYHOUND LINES,)
INC., for Temporary Authority to)
Transport Passengers in Charter)
Operations Under Contract with)
Montgomery County, Md.)

Case No. AP-88-10

By application filed April 11, 1988, Greyhound Lines, Inc., seeks temporary authority to transport passengers in charter operations between points in Montgomery County, Md., as follows:

Between Silver Spring and Takoma Park, via Dale Drive and Piney Branch Road; between Silver Spring and Grosvenor, via Walter Reed Annex; between Silver Spring and Northwood, via Georgia Avenue and Forest Glen Road; between Silver Spring and Takoma Park, via Maple Avenue and Flower Avenue; between Silver Spring and Langley Park, via Dale Drive and Piney Branch Road.

The transportation would be performed under a contract with Montgomery County, Md. ("the County"). The service is scheduled to begin May 1, 1988.

This is the same service that is the subject of Case No. AP-88-08, wherein Greyhound seeks a certificate of public convenience and necessity. That case has been scheduled for public hearing on April 21, 1988. ^{1/} Because the processing of that case cannot be completed by May 1, 1988, Greyhound here seeks 180 days temporary authority pending determination of Case No. AP-88-08.

The proposed transportation would be conducted using twenty-two 21-passenger vehicles. It appears that the service to be provided represents Route Nos. 3, 4, 10, 13, and 18 of the County's "Ride-On" program. The service is scheduled, and the application may be consulted for the specifics of the schedule.

Detailed financial data and a copy of the contract between Greyhound and the County have been filed in Case No. AP-88-08. Applicant estimates that operations under the contract would generate about \$590,000 in revenues during the maximum temporary authority period of 180 days.

^{1/} See Order No. 3134, served March 18, 1988.

The service at issue is currently being provided by the County. Applicant asserts that the County has taken steps to reassign its vehicles and drivers to other routes, effective May 1, 1988, and there is an urgent need for Greyhound to be available to provide the proposed service. Greyhound also asserts that there is no other carrier service capable of meeting this need.

In support of Greyhound's position, the County's Chief of the Division of Transit Services has filed with the Commission a notarized statement indicating:

- (1) the County has operated these routes for the past 13 years;
- (2) the County directed the Division of Transit Services to consider smaller, quieter vehicles to replace Ride-On buses in certain residential areas;
- (3) the County solicited proposals for such service on selected routes;
- (4) the County selected Greyhound from among five proposals received;
- (5) the County awarded Greyhound a contract requiring service to begin May 1, 1988;
- (6) the County has irrevocably committed its drivers and vehicles to other service as a result of overall system route and schedule changes effective May 1, 1988; and
- (7) the County has an immediate and urgent need for Greyhound to provide the contracted service beginning May 1, 1988.

The standards for temporary authority are set forth in the Compact at Title II, Article XII, Section 4(d)(3). The essential elements are (1) an immediate and urgent need for service, (2) no carrier capable of meeting such need, and (3) fitness of the applicant. 2/

In view of applicant's allegation of immediate and urgent need, this order will provide notice of Greyhound's application and a brief period will be provided for the filing of protests, if any. No extension of time will be granted. The application is available for inspection at the office of the Commission during its regular business hours.

In the event this application is granted, applicant would be required to file certain data before commencing operations. These would include:

2/ See Order No. 2864, served May 23, 1986; Order No. 2857, served May 12, 1986; and Order No. 1643, served January 24, 1977.

(1) a certificate of insurance in accordance with Commission Regulation No. 62;

(2) two copies of the contract with Montgomery County, each with a tariff title page in accordance with Commission Regulation No. 55-04, identified as "WMATC TEMPORARY AUTHORITY TARIFF NO. AP-88-10;

(3) an equipment list showing the year, make, model, serial number, vehicle number, license plate number and jurisdiction, and seating capacity for each vehicle to be used in the proposed service;

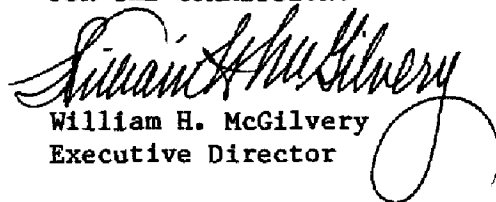
(4) leases in accordance with Commission Regulation No. 69 for any vehicle on the equipment list not owned by applicant;

(5) evidence that each vehicle on the equipment list has been registered, inspected, and approved by the State of Maryland; and

(6) an affidavit that each vehicle on the equipment list has been identified in accordance with Commission Regulation No. 67, for which purpose "WMATC No. 139" would be assigned.

THEREFORE, IT IS ORDERED that any person desiring to protest this application shall file a protest in accordance with Commission Rule No. 14 at the office of the Commission, Suite 316, 1625 I Street, N.W., Washington, D.C. 20006, no later than Friday, April 22, 1988, and shall simultaneously serve a copy of such protest on applicant's counsel, Fritz R. Kahn, Esq., Suite 1000, 1660 L Street, N.W., Washington, D.C. 20036.

FOR THE COMMISSION:


William H. McGilvery
Executive Director